

ERIC ADOLF LENZE

JULY 20, 1951.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. FELLOWS, from the Committee on the Judiciary, submitted the
following

REPORT

[To accompany H. R. 3773]

The Committee on the Judiciary, to whom was referred the bill (H. R. 3773) for the relief of Eric Adolf Lenze, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to preserve for Eric Adolf Lenze his United States citizenship notwithstanding any period of residence in a foreign state.

GENERAL INFORMATION

The beneficiary of the bill was born in Germany in 1904 and was lawfully admitted to the United States for permanent residence in 1924. From 1927 to 1930 he was in the United States Army receiving his honorable discharge in Manila in 1930. Since 1934 he has been employed by the Benguet Consolidated Mining Co. From 1941 to 1945 he was interned by the Japanese. After his release from internment in 1945, he was employed by the United States Army for approximately 10 months and then resumed his employment with the Benguet Consolidated Mining Co. The Philippine Islands were granted their independence effective July 4, 1946, and are therefore considered a foreign state. By continuous residence there for 5 years from that date, the beneficiary of the bill will lose his citizenship on July 4, 1951. Without the enactment of this bill the beneficiary will be required to return to the United States and give up his employment with the mining company which would have a very serious effect on the company's operations.

A letter dated May 29, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

MAY 29, 1951.

Hon. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1281) for the relief of Eric Adolf Lenze.

The bill would provide that Eric Adolf Lenze shall not be held to have lost United States citizenship under any of the provisions of the Nationality Act of 1940 relating to loss of citizenship by reason of absence from the United States.

The files of the Immigration and Naturalization Service of this Department disclose that Mr. Lenze was born in Walbeck, Germany, on December 1, 1904, and that he entered the United States in December 1924, when he was admitted for permanent residence. On May 18, 1931, he was issued a certificate of naturalization by the United States District Court for the Southern District of New York. He is presently residing in the Philippine Islands. It appears that he was advised by the State Department that in order to retain his United States citizenship it would be necessary for him to return to the United States before July 4, 1951, and remain in this country permanently, inasmuch as section 404 (c) of the Nationality Act of 1940 provides that a person who has become a national by naturalization shall lose his nationality by residing continuously for 5 years in any other foreign state, except as provided in section 406 of the act.

According to Mr. Lucien H. Mercier, the general counsel for the Benguet Consolidated Mining Co. of Manila, Philippine Islands, Mr. Lenze enlisted in the United States Army in 1927, and was honorably discharged in Manila on October 8, 1930. Mr. Mercier stated that Mr. Lenze returned to the United States, became a naturalized citizen, and was employed by the Dollar Steamship Lines in San Francisco for a period of time. In November 1934, he departed for the Philippines and obtained employment with the Benguet Consolidated Mining Co. In 1941, while in the employ of that company Mr. Lenze was interned by the Japanese. After his release from internment in February 1945, he was employed by the United States Army in the Philippines until December of that year, at which time he resumed employment with the Benguet Co. It appears that Mr. Lenze has been employed as an overseer by that company until recently when he resigned, presumably in an effort to return to the United States with his Filipino wife and his six children before July 4, 1951. Mr. Mercier, who is also a member of the board of directors of the Benguet Co., appeared to be of the opinion that if the instant bill is enacted Mr. Lenze would remain in the Philippines and return to his employment with the Benguet Co. Mr. Mercier feels, however, that Mr. Lenze has no intention of abandoning his United States citizenship. According to Mr. Mercier, the Benguet Co. is engaged in gold-mining operations at its mines near Baguio, Philippine Islands, and, since 1937, has also been engaged in the mining and supplying of chrome-bearing iron ore to United States purchasers.

When the Philippine Islands were granted their independence on July 4, 1946, they became an independent, self-governing foreign state. Mr. Lenze's residence, in the Philippines for a 5-year period, therefore, would bring him within the purview of section 404 (c) of the Nationality Act of 1940. He is not eligible for the exemption specified in section 406 (b) of the act because the Benguet Consolidated Mining Co. is not an American business organization and does not have its principal office or place of business in the United States, nor is he eligible for any of the other exemptions specified in section 406. While it is appreciated that Mr. Lenze might suffer some financial hardship in returning to the United States with his family, the record fails, however, to present considerations which would justify the enactment of special legislation granting him an exemption denied other naturalized citizens similarly situated. Moreover, the Congress has been reluctant in the past to interfere with the normal functioning of the nationality laws.

Accordingly, this Department is unable to recommend enactment of the measure.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator Robert A. Taft, the author of a similar bill introduced in the Senate, has submitted the following information in connection with the case:

WASHINGTON 5, D. C., February 15, 1951.

In re loss of citizenship, naturalized Americans employed in Philippines.

Hon. ROBERT A. TAFT,

United States Senate, Washington 25, D. C.

(Attention James D. Williams, Jr., Esq.)

MY DEAR SIR: In connection with the recent call at your office of Judge John W. Haussermann, the president and general manager of the Benguet Consolidated Mining Co., and myself, as general counsel and member of the board of directors of the company, I should like to submit the following memorandum as requested by your Mr. Williams.

The Benguet Consolidated Mining Co. was organized under the laws of the Philippines in 1903 and has the status, for all purposes, of being a Philippine entity. However, the Benguet Co. has over 11,000 shareholders, and about 94 percent of them are citizens of the United States residing in all of the various States of the United States, with a great number of them concentrated in the State of Ohio.

The Benguet Co. since 1903 has been engaged in gold mining operations at its mines near Baguio, Philippines, and, prewar, employed over 10,000 Filipinos, thus supplying a direct living for over 60,000 Filipinos. At present, the company employs approximately 6,500 Filipinos, and thus supplies a direct living for over 35,000 Filipinos. This employment is at present the backbone of the economy of the Baguio district of the Philippines.

Since 1937, the Benguet Co. has also been engaged in the mining and supplying to United States purchasers of chrome-bearing iron ore which is used for the making of refractory brick for the lining of blast furnaces. It is about the best ore in the world for that purpose and the company has orders from United States purchasers aggregating over 30,000 tons per month. This ore is on the critical list of the United States war agencies demanding an immediate stockpiling thereof, and a contract is being entered into to supply the United States Government with a minimum of 250,000 tons over the next 24 months for such stockpiling purposes—this will be besides supplying the consumers of the ore in the United States with about 30,000 tons per month.

Because of the situation in the Far East, it has been practically impossible for the Benguet Co. to employ American supervisory help in its mining operations, and the Filipino help procured up to this point, and this will continue for quite some time, is very much below the type of help necessary for the successful operation of the company's mines. The endeavors in the past year to employ Americans to go to the company's mines has met with complete failure—men would accept the position and then after thinking over the far eastern situation, would decline.

About 2 months ago we lost, by reason of a heart attack, our No. 2 man at the operation, and it has been impossible to replace him. We are now about to lose two more of our top men by reason of section 804 (c) of the Nationality Code of 1940; and should we lose these men, we know, to begin with, that it will be impossible to replace them, and the lack of filling the vacancies might well mean that we shall have to curtail or shut down operations.

In addition to the above, the following letter dated April 27, 1951, to the chairman of the Senate Committee on the Judiciary from the Assistant Secretary of State with reference to the case reads as follows:

APRIL 27, 1951,

The Honorable PAT McCARRAN,

Chairman, Committee on the Judiciary, United States Senate.

MY DEAR SENATOR McCARRAN: Further reference is made to your letter of April 18, 1951, transmitting for the comments of the Department of State, a copy of S. 1281 for the relief of Eric Adolf Lenze.

In connection with the case of Mr. Lenze, the Department desires to refer to its letter of current date concerning S. 1282, for the relief of Cecil Lennox Elliott. Mr. Lenze is also an employee of the Benguet Consolidated Mining Co. and its subsidiary the Balatoc Mining Co. in the capacity of mine foreman. He has been employed by the company since November 1, 1934. Mr. Lenze was born in Germany on December 1, 1904; came to the United States in December 1924; and was naturalized as an American citizen by the United States

District Court for the Southern District of New York on May 18, 1931. Mr. Lenze resided in the Philippines from 1927 to 1930 as a member of the United States Army and from 1934 to date as an employee of the above-named company.

In view of the special circumstances of Mr. Lenze's case, the Department perceives no objection to his being exempted from the operation of section 404 (c) of the Nationality Act of 1940 through enactment of a private bill. The Department suggests, however, that, since there is no provision in the Nationality Act of 1940 which specifically provides for loss of United States citizenship by reason of absence from the United States, the last clause of S. 1281 be changed to read "providing for loss of citizenship through continuous residence in a foreign state."

Sincerely yours,

JACK K. McFALL,
Assistant Secretary
(For the Secretary of State).

Senator Taft's bill for the relief of the same individual passed the Senate on June 21, 1951.

Having considered all the facts in this case, the committee is of the opinion that H. R. 3773 should be enacted and it accordingly recommends that the bill do pass.

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